

DEFENDANT'S EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRETON PETERSEN,

Plaintiff,

v.

THE CLEVELAND INSTITUTE OF ART,

Defendant.

) CASE NO. 1:08 CV 01217

) JUDGE SOLOMON OLIVER

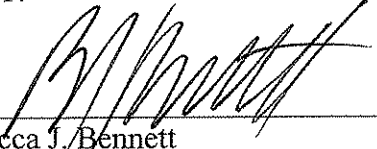
) AFFIDAVIT OF REBECCA J.
) BENNETT

I, Rebecca J. Bennett, having been first duly sworn, depose and state as follows:

1. I am one of the attorneys representing Defendant The Cleveland Institute of Art in the above-captioned matter, and I have personal knowledge of the matters stated herein.

2. Attached are true and accurate copies of excerpts of Defendant's Responses to Plaintiff's Requests for Production in reference to the captioned matter. The documents represent email communications involving Breton Petersen during the course of his employment with the Cleveland Institute of Art.

FURTHER AFFIANT SAYETH NAUGHT.


Rebecca J. Bennett

Sworn to before me and subscribed in my presence this 29 day of
April, 2009.


Notary Public

Brian J. Kelly
Notary Public, State of Ohio
My Commission Does Not Expire

e: ID lab

Subject: Re: ID lab

From: "Breton Petersen" <bpetersen@gate.cia.edu>

Date: Tue, 24 Oct 2006 00:25:06 -0400

To: Anna Cottos <acottos@gate.cia.edu>

Hi Anna,

Before we meet tomorrow, I wanted to bring up a few things to think about. I know Dan wants to get me started ASAP, but I just want to make sure we're all on the same page. Basically, I would like to clarify how exactly this will all work before jumping in to work.

There seem to be two possibilities:

(1) I do both jobs. The duties and responsibilities for each job remain the same. I personally handle all the printing for both departments. I continue to work as a TA for the CD department and I take on the jobs of Lab Administrator for ID and Support Technician for IT. I split my time three ways between each department. Essentially I would be doing jobs designed for two different people.

(2) All jobs are incorporated into a new job, where I can supervise work-study students to handle some of the more basic (but time consuming for me) duties. Printing is the major time consumer for both jobs, and it's something I can teach work-study students how to do while supervising them throughout the year. This increase in efficiency would allow me to spend time on "higher level" things that would help both departments, like setting up a print server that would tie each printer to individual student accounts (again further increasing printing efficiency), working on department websites, establishing/continuing relationships between ID/CD and outside resources, and other projects.

I've spoken with Mari about this (who has spoken with Dan), and I think option (2) is what they are hoping for, but that would involve restructuring jobs/duties a little bit.

The positions in ID/IT and CD are two jobs that are set up for inefficiencies. While I could do both jobs adequately, a large majority of my time would be spent personally handling printing, leaving little time for much else. I'm a very capable IT person, and I'd like to give more to the school than my ability to handle printing. Unfortunately, as it stands, neither me nor Rodell have had the time to implement any new ideas. This is the perfect chance to do so. The school would save a lot of money by creating a new position that oversees and delegates work to work-study students. Since both CD and ID already employ work-study students, this makes a lot of sense. Potentially we could turn two jobs into one, eliminate the inefficiencies, and help both ID and CD do bigger things.

I'd like to know what you think of this idea at our meeting tomorrow. I have a few more questions, but wanted to raise this issue prior to our meeting so you had a chance to think about it.

Thanks,
Breton

D 0114

T.A. job opening in Industrial Design

Subject: T.A. job opening in Industrial Design
From: "Breton Petersen" <bpetersen@cia.edu>
Date: Mon, 25 Sep 2006 12:10:50 -0400
To: rscragg@cia.edu

Hello Mr. Scragg,

I heard from Rodel Oiga that he will be leaving the Institute in the coming weeks and that HR is actively looking for his replacement. I'm currently working as a T.A. for the Communication Design department, and I'd like to express my interest in taking over the responsibilities in Industrial Design. The two jobs are very similar and I would be able to perform both more than adequately by sharing my time between the two departments. I have already been working at the Institute for one year, so I have a thorough understanding of how the Communication Design department works. After speaking with Rodel, I believe that I could perform his duties as well as mine since the jobs are very similar, and I think this would benefit both departments in several ways. If you would like to arrange a meeting to discuss this, please let me know. I look forward to speaking with you.

Breton Petersen
Technical Assistant
Department of Communication Design
Cleveland Institute of Art

D 0121

Overview of ID Lab administrator position

Subject: Overview of ID Lab administrator position

From: Anna Cottos <acottos@gate.cia.edu>

Date: Wed, 25 Oct 2006 11:26:06 -0400

To: Breton Petersen <bpetersen@gate.cia.edu>

CC: Dan Cuffaro <dcuffaro@gate.cia.edu>, Mari Hulick <mhulick@gate.cia.edu>

10/25/06

Hi Breton,

Thanks for coming over yesterday and meeting with Dan and me regarding the ID lab administrator position. I would like to confirm the details we discussed.

You will be given the responsibility to oversee the lab administration in the Industrial Design Department, in addition to your current contract-- including:

- supervising workstudy students - receiving and submitting time for payroll, etc.
- keeping the lab supplied and running - working with vendors and suppliers, troubleshooting network issues, maintaining equipment
- assisting students with printing issues - billing for output, etc.
- working with IT to learn their new tracking software

These additional responsibilities will be compensated to you in the form of an additional stipend of \$200/week, effective 10/23/06 through 11/30/06.

During this time, you will meet with Tom Horn, Director of Information Technologies, to learn about the IT summer support position and its requirements. I have requested that Tom contact you to schedule meeting.

I have already had your parking access activated here at Gund and keys have been requested. We will need to work together on workstudy relative to budget and needs.

I think I have covered everything. If not, please let me know. I'm looking forward to working with you.
Anna

--

Anna M. Cottos
Administrative Coordinator of
Academic Environments
The Cleveland Institute of Art
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Cleveland, OH 44106
tel: (216) 421-8021
fax: (216) 421-7438
email: acottos@cia.edu
www.cia.edu

D 0122

Print

From: Daniel Cuffaro (dcuffaro@sbcglobal.net)
To: Breton Petersen
Date: Thursday, October 4, 2007 10:15:07 AM
Subject: Re: misc

Breton,

Howard said he would have someone come to clean the floors last week, but looking at the lab, I don't think that ever happened. There doesn't seem to be much clutter/trash from what I can see. Were you talking mostly about the dust/dirt?

No, there was crap everywhere - crumpled papers, scattered furniture, random boxes...

Graphite is loaded on all of the machines in the lab and is working properly. If particular students have problems with the menus showing up properly, remind them to go into System Preferences and then Display, and have them set the number of colors to "Millions" instead of "Thousands".

OK

My schedule is 9am - 5pm, Monday - Friday. I've been setting up the new print tracking system the past two weeks, which is quite complicated and time consuming (the manual for the software is 350 pages long). I can't seem to make any headway on this when I am in my office because I'm constantly interrupted, so I've been doing a lot of work from 310 (when it is empty) or from home (I can access/use all the servers in my office from my computer at home). I've also been putting in extra hours beyond the typical 40 per week to get this thing up and running. As such, the time I'm in the office is a little sporadic until I can get this system up and running.

This is fine, but when you aren't here I'm often asked where you are and my default answer is 'probably in 310' but the times don't seem regular, so know one really knows when/where they can find you when there is a problem. I suggest keeping regular office hours (a time when you will always be in your office or the lab), even if it is just a small portion of the day, but always consistent.

Speaking of the print tracking software, I talked to Greg Slaby about : surprisingly on board. I think that's because it is run completely from my office and I am taking all the initiative on setting it up and maintain have to purchase the software in about 20 days (it comes with a free t and it should be in the \$400 - \$500 range. It's a one-time fee to purch (no recurring yearly fees), and Mari said CD would split the cost since connecting CD's printers to this system as well as ID's. The money w collecting ALL appropriate fees, as well as the time this will save me, great deal in my opinion.

written
 My first request
 for a regular
 schedule

D 0150

Print

Great, lets do it.

Dan

Breton Petersen
Computer Lab Technician
Communication Design / Industrial Design
Cleveland Institute of Art

----- Original Message -----

From: Daniel Cuffaro <dcuffaro@sbcglobal.net>
To: Breton Petersen <bpetersen@cia.edu>
Sent: Wed, 3 Oct 2007 08:07:47 -0700 (PDT)
Subject: misc

> Breton,
>
> 1) The lab is trashed
> 2) Is Graphite loaded onto machines?
> 3) What is your typical schedule?
>
> Thanks,
>
> Dan
>
> Daniel F. Cuffaro
> Chair, Associate Professor
> Department of Industrial Design
> The Cleveland Institute of Art
> 11141 East Boulevard
> Cleveland OH 44106
>
> dcuffaro@cia.edu
>
> O: 216 421 7929
> M: 216 280 6553
>
> www.cia.edu
> www.districtofdesign.com
>
> --
> This message has been scanned for viruses and

D 0151

Print

> dangerous content by MailScanner, and is

> believed to be clean.

----- End of Original Message -----

D 0152